



March 8, 2022

Written testimony of Matt Barrett, President/CEO of the Connecticut Association of Health Care Facilities and the Connecticut Center For Assisted Living (CAHCF/CCAL) concerning H.B. No. 5314 AN ACT DETERRING FRAUD AND ABUSE PERPETRATED AGAINST SENIOR CITIZENS.

Good morning Senator Miller, Representative Garibay, and to the distinguished members of the Aging Committee. My name is Matt Barrett. I am the President and CEO of the Connecticut Association of Health Care Facilities and the Connecticut Center for Assisted Living (CAHCF/CCAL), a state trade association and advocacy organization of one-hundred and fifty skilled nursing facilities and assisted living communities. Thank you for this opportunity to testify concerning to H.B. No. 5314 AN ACT DETERRING FRAUD AND ABUSE PERPETRATED AGAINST SENIOR CITIZENS from the perspective of the association and also as House Speaker Matthew Ritter's appointment to the Task Force To Prevent Senior Fraud.

I am pleased to support the provision in Section 4 of H.B. No. 5314 which would require any person who provides an elderly person with assistance completing a Medicaid application, who is not related to such elderly person by blood or marriage, to disclose any affiliations, business relationship, ownership interests or employment with any business or entity that may bill Medicaid for services provided to such elderly person.

We offer our conceptual support for the provisions in Section 5 of H.B. No. 5314 which would require any person who provides a person with assistance in completing an application for Medicaid benefits, who is not related to such person by blood or marriage, to provide the applicant with the following conspicuous written disclosure concerning their legal rights:

"Please know that you have legal rights that can protect your assets.

You may wish to seek the advice of an elder law attorney PRIOR to completing this Medicaid application to ensure your finances and rights are protected.

For example, if you are seeking long-term medical care or home care services and you:

(1) Have a spouse;

(2) Own real estate;

(3) Have a child who is disabled; or

(4) If someone has been living with and caring for you in the last two years:

You may have rights that can be protected with the help of an elder law attorney.

If you have suffered Medicaid ineligibility and/or significant financial loss due to the actions or advice of a non-attorney Medicaid planner, you may file a complaint with the Connecticut Department of Consumer Protection by calling (860) 713-6100."

Concerning the above provision, we recommended that Connecticut's federally-designated single state agency responsible for the Administration of the Medicaid program, the Connecticut Department of Social Services, prior to passage of these provisions this session, review and assure the Connecticut General Assembly that these disclosures provisions comport with the rights Medicaid applicants and recipients have under federal requiring that the Medicaid agency allow individuals of the applicant's or

beneficiary's choice to assist in the application process or during a renewal of eligibility. See 42 C.F.R. Section 435.908.

Finally, we recommend the following substitute language to this section:

"If you have suffered Medicaid ineligibility and/or significant financial loss due to the actions or advice of [a non-attorney Medicaid planner] **any person who provides a person with assistance in completing an application for Medicaid benefits, who is not related to such person by blood or marriage,** you may file a complaint with the Connecticut Department of Consumer Protection by calling (860) 713-6100."

This substitute language is offered to make the Department of Consumer Protection complaint procedure consistent and in conformity with the full category of persons governed by the disclosure requirements in the bill for whom complaints may be made, which is "any person any person who provides a person with assistance in completing an application for Medicaid benefits, who is not related to such person by blood or marriage, ..".

Thank you again for this opportunity to testify on the bill as drafted. I would be happy to answer any questions you may have.

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